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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/160,728	09/25/1998	JERZY LEWAK	NISUS-002-PAP	6662
7590	05/06/2004		EXAMINER	
William C. Boling Jaquez & Associates 750B Street, Suite 2640 San Diego, CA 92101			SEALEY, LANCE W	
			ART UNIT	PAPER NUMBER
			2671	
			DATE MAILED: 05/06/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/160,728	LEWAK, JERZY	
	Examiner Lance W. Sealey	Art Unit 2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

#### Status

- 1) Responsive to communication(s) filed on 19 August 2003 and 05 April 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 61-80 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 63-80 is/are allowed.
- 6) Claim(s) 61 and 62 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. § 119

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - a) All b) Some \* c) None of the CERTIFIED copies of the priority documents have been:
    1. received.
    2. received in Application No. (Series Code / Serial Number) \_\_\_\_\_ .
    3. received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

#### Attachment(s)

- |   |  |
|---|--|
| 15) <input type="checkbox"/> Notice of References Cited (PTO-892)                               | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)           | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ . | 20) <input type="checkbox"/> Other: _____                                    |

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***Allowed Subject Matter***

1. Claims 63-80 are allowed because no prior art anticipates or suggests, in a method of illustrating transformations of abstract symbol statements, animating portions of the first form of the abstract symbol statement, while other portions of the first form remain static, to indicate conceptual changes involved in the transformation from the first form to the second form of the abstract symbol statement (claim 63); or the elements disclosed in claim 80 as interpreted under paragraph 6 of 35 U.S.C. 112. Claims 64-79 are allowed because they depend, directly or indirectly, on claim 63.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of 35 U.S.C. 102(b) which forms the basis for all novelty-related rejections set forth in this Office action:

A person shall be entitled to a patent unless—

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 61 and 62 are rejected under 35 U.S.C. 102(b) as being anticipated by Gasper (U.S. Pat. No. 4,884,972).

4. Gasper, in disclosing speech synchronized animation, also discloses, with respect to claim 61, a method of presenting, on a computer controlled display device (Abstract, fourth and fifth sentences), transformation rules (col.14, ll.27-67) of abstract representations of graphical abstract symbols (tiles of letters, Abstract, fourth sentence) using animations (movement of tiles by the user on the screen, Abstract, fourth through sixth sentences) to simulate continuous

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transformations (the continuous formation of tiles to produce letter sounds and, subsequently, word sounds; Abstract, sixth through eighth sentences).

5. Concerning claim 62, Gasper discloses the method of claim as used for teaching transformation rules for abstract symbolic statements. First of all, the Gasper invention is intended to be used for teaching (Abstract, first sentence). Col.3, ll.14-26 introduces what Gasper calls a “synactor”. A synonym for “synactor” is “talking head” (see col.3, ll.35-40). Col.4, ll.18-22 characterizes the talking head as a “simulated teacher”. Finally, col.20, ll.24-30 discloses the possibility of programming the synactor to teach a rule: “this vowel is long because of that silent ‘e’”.

6. Therefore, in view of the foregoing, claims 61 and 62 are anticipated under 35 U.S.C. 102(b) by Gasper.

*Response to Remarks*

7. The applicant has amended claim 61 to include the phrase “graphical abstract symbols” to further describe what is animated. However, since the Gaspar letters are graphical abstract symbols, this latest redraft of claim 61 does not make claims 60 and 61 allowable.

8. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

9. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the Office should be directed to the examiner, Lance Sealey, whose telephone number is (703) 305-0026. He can be reached from 7:00 am-3:30 pm Monday-Friday EDT.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Zimmerman, can be reached at (703) 305-9798.

**Any response to this action should be mailed to:**

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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